

Exhibit A

(https://www.traviscountytexas.gov)

District Clerk - AARO - Attorney Access to Records Online**Details**

Updated : Tuesday, June 27, 2017 5:15:21 AM

Cause Number

D-1-GN-17-002435

[Request Documents \(/aaro/Content/record_search_fillable.pdf\)](/aaro/Content/record_search_fillable.pdf)**Style**

CANDICE MENDOZA V PGT TRUCKIN

[New Search \(/aaro/\)](/aaro/)**Filed Date**

5/31/2017

Court

345

Type

PERSONAL INJURY VEHICLE (GEN LIT)

Case Status

PENDING

Action/Offense**Hearing Date****Attorney****Type****Party - Full/Business****Party - Person**

DEFENDANT

MEDINA, SAMUEL

DEFENDANT

PGT TRUCKING INC

HENRY THOMAS J

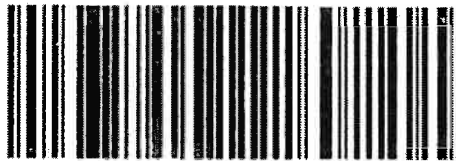
PLAINTIFF

MENDOZA, CANDICE

Date	Court	Party	Description	Category	Pages	
6/14/2017	345	DF	RETURN OF SERVICE AFFIDAVIT	SRVPROCESS	2	Download (/aaro/Default/GetPdf?barCodeId=5246795)
6/14/2017	345	DF	EXECUTED SERVICE	SRVPROCESS	2	Download (/aaro/Default/GetPdf?barCodeId=5246757)
6/7/2017	345	DF	ISS:CITATION SEC ST-INS-HWY	ISSUANCE	0	PDF not available
6/7/2017	345	DF	ISS:CITATION SEC ST-INS-HWY	ISSUANCE	0	PDF not available
5/31/2017	345	PL	LETTER/EMAIL/CORR	OTHER	1	Download (/aaro/Default/GetPdf?barCodeId=5227283)
5/31/2017	345	PL	OTHER FILING	OTHER	2	Download (/aaro/Default/GetPdf?barCodeId=5227281)
5/31/2017	345	PL	ORIGINAL PETITION/APPLICATION	PET-PL	7	Download (/aaro/Default/GetPdf?barCodeId=5227250)

[Request Documents \(/aaro/Content/record_search_fillable.pdf\)](/aaro/Content/record_search_fillable.pdf)[New Search \(/aaro/\)](/aaro/)

Secretary of State
Service of Process
P.O. Box 12079
Austin, Texas 78711-2079



7190 1046 4701 0076 8702

Return Receipt (Electronic)

2017280255-1

PGT Trucking, Inc.
1 PGT Way
Monaca, PA 15061

CUT / FOLD HERE

The State of Texas



Service of Process
P.O. Box 12079
Austin, Texas 78711-2079

Phone: 512-463-5560
Fax: 512-463-0873
TTY (800) 735-2989
www.sos.state.tx.us

Secretary of State

June 15, 2017

PGT Trucking, Inc.
1 PGT Way
Monaca, PA 15061

2017-280255-1

Include reference number in
all correspondence

RE: Candice Mendoza VS PGT Trucking, Inc. and Samuel Medina
345th Judicial District Court Of Travis County, Texas
Cause No: D1GN17002435

Dear Sir/Madam,

Pursuant to the Laws of Texas, we forward herewith by CERTIFIED MAIL, return receipt requested, a copy of process received by the Secretary of State of the State of Texas on June 12, 2017.

CERTIFIED MAIL #71901046470100768702

Refer correspondence to:

Thomas J. Henry
The Law Offices of Thomas J. Henry
521 Starr Street
Corpus Christi, TX 78401

Sincerely,

A handwritten signature in black ink that reads "Venita Okpegbue".

Venita Okpegbue
Team Leader, Service of Process
GF/mr
Enclosure

C I T A T I O N
T H E S T A T E O F T E X A S
C A U S E N O . D - 1 - G N - 1 7 - 0 0 2 4 3 5

CANDICE MENDOZA

vs.
PGT TRUCKING, INC. AND SAMUEL MEDINA

, Plaintiff

Defendant

TO: PGT TRUCKING, INC.
1 PGT WAY
MONACA, PENNSYLVANIA 15061
BY SERVING THROUGH THE SECRETARY OF STATE,
ROLANDO B. PABLOS, OR HIS AGENT/SUCCESSOR
1019 BRAZOS STREET,
AUSTIN, TEXAS 78701

Defendant, in the above styled and numbered cause:

YOU HAVE BEEN SUED. You may employ an attorney. If you or your attorney do not file a written answer with the clerk who issued this citation by 10:00 A.M. on the Monday next following the expiration of twenty days after you were served this citation and petition, a default judgment may be taken against you.

Attached is a copy of the ORIGINAL PETITION WITH REQUEST FOR DISCLOSURE of the PLAINTIFF in the above styled and numbered cause, which was filed on MAY 31, 2017, in the 345TH JUDICIAL DISTRICT COURT of Travis County, Austin, Texas.

ISSUED AND GIVEN UNDER MY HAND AND SEAL of said Court at office, June 07, 2017.

REQUESTED BY:
THOMAS J HENRY
521 STARR ST
CORPUS CHRISTI, TX 78401-2344
BUSINESS PHONE: (361)985-0600 ext 118
FAX: (361)985-0601



[Signature]
Valerie L. Price
Travis County District Clerk
Travis County Courthouse
1000 Guadalupe, P.O. Box 670003 (78767)
Austin, TX 78701

PREPARED BY: JIMENEZ CHLOE

- - - - - R E T U R N - - - - -

Came to hand on the ____ day of _____, ____ at ____ o'clock ____ M., and executed at _____ within the County of _____ on the ____ day of _____, _____, at ____ o'clock ____ M., by delivering to the within named _____, each in person, a true copy of this citation together with the PLAINTIFF'S ORIGINAL PETITION WITH REQUEST FOR DISCLOSURE accompanying pleading, having first attached such copy of such citation to such copy of pleading and endorsed on such copy of citation the date of delivery.

Service Fee: \$ _____

Sworn to and subscribed before me this the ____ day of _____, _____.

Sheriff / Constable / Authorized Person

By: _____

Notary Public, THE STATE OF TEXAS

Printed Name of Server

D-1-GN-17-002435

SERVICE FEE NOT PAID

County, Texas
P12 - 000001215

☐ Original☐ Service Copy

280255

5/31/2017 1:03:20 PM

Velva L. Price
District Clerk
Travis County
D-1-GN-17-002435
victoria benavides

D-1-GN-17-002435

CAUSE NO. _____

CANDICE MENDOZA
PLAINTIFF

VS.

PGT TRUCKING, INC. AND SAMUEL
MEDINA
DEFENDANTS

§ IN THE DISTRICT COURT
§
§
§ **345TH**
§ JUDICIAL DISTRICT
§
§
§ TRAVIS COUNTY, TEXAS

PLAINTIFF'S ORIGINAL PETITION WITH REQUEST FOR DISCLOSURE
TO THE HONORABLE JUDGE OF SAID COURT:

NOW COMES, **CANDICE MENDOZA**, Plaintiff herein, and complains of **PGT TRUCKING, INC.** and **SAMUEL MEDINA**, (hereinafter sometimes referred to collectively as "Defendants"), and for cause of action would respectfully show unto the Court as follows:

1. Discovery shall be conducted according to TRCP Section 193.4 (Level 3) discovery control plan.
2. Plaintiff, **CANDICE MENDOZA**, is an individual residing in Travis County, Texas.
3. Defendant, **PGT TRUCKING, INC.** is a foreign corporation organized and existing under the laws of the state of Pennsylvania whose president, Patrick A Gallagher, and registered address for service of process is located **1 PGT Way, Monaca, Pennsylvania 15061-2255**, and may be served with process in accordance with the Texas long-arm statute by serving the **Texas Secretary of State at 1019 Brazos Street, Austin, Texas 78701**, as its agent for service because defendant engages in business in Texas but does not maintain a regular place of business in Texas or a designated agent for service of process, and this suit arose from defendant's business in Texas pursuant to Tex. Civ. Prac. & Rem. Code §§ 17.044(b), 17.045.

4. Defendant, SAMUEL MEDINA, is a non-resident residing in Matamoros, Mexico at his residence, located at Calle Zafiro Apt 12, Matamoros Mexico. At the time of the event made the basis of this lawsuit, Defendant SAMUEL MEDINA was conducting business in the State of Texas according to Tex. Civ. Prac. & Rem. Code §17.042(b) as SAMUEL MEDINA committed a tort in the State of Texas by causing the truck wreck made the basis of this lawsuit. Plaintiff invokes the Texas Long Arm Jurisdiction over Nonresident Motor Vehicle Operators set out in Tex. Civ. Prac. & Rem. Code §§17.061 – 17.069. Accordingly, service of process may be accomplished by serving Defendant, SAMUEL MEDINA according to Tex. Civ. Prac. & Rem. Code §17.062(b) by service upon the Chairman of the Texas Transportation Commission. Accordingly, Defendant SAMUEL MEDINA may be served by substituted service upon the Chairman of the Texas Transportation Commission, Tyron D. Lewis, at the address for the Texas Transportation Commission, 125 E. 11th Street, Austin, Texas 78701 with a certified copy of the process not later than the 20th day prior to the date of return stated in the process. *See* Tex. Civ. Prac. & Rem. Code §17.063(a). Immediately after being served, the Chairman of the Texas Transportation Commission shall mail a letter to SAMUEL MEDINA that is properly addressed that includes: (1) a copy of the process; and (2) notice that the process has been served on the Chairman. The letter to be sent by the Chairman of the Texas Transportation Commission must be sent to SAMUEL MEDINA by registered mail or certified mail, return receipt requested, with postage pre-paid. *See* Tex. Civ. Prac. & Rem. Code §17.063. The last known address of SAMUEL MEDINA is as follows: **Samuel Medina, Calle Zafiro Apt 12, 87455 Matamoros Mexico**. Service on the Chairman of the Texas Transportation Commission has the same effect as personal service on the nonresident. *See* Tex. Civ. Prac. & Rem. Code §17.064.

5. Venue is proper in Travis County pursuant to §15.002(a)(1) Texas Civil Practice and Remedies Code as it is the county in which all or a substantial part of the events or omissions giving rise to the claim occurred.

6. On or about March 29, 2017, Defendant SAMUEL MEDINA, while driving an 18 wheeler owned/operated by Defendant PGT TRUCKING, INC., was traveling north on IH 35 in Travis County, Texas, when he crashed into Plaintiff's vehicle and caused it to roll over, and caused her severe injuries and damages.

7. Defendant SAMUEL MEDINA was negligent in many ways, including failing to act as a driver exercising ordinarily prudent care would have done under the same or similar circumstances would by choosing to violate rules, requirements, regulations, standards, and laws for the provision of safe driving on our roadways as follows:

- a. failing to keep a proper lookout or such lookout, which a person of ordinary prudence would have maintained under same or similar circumstances;
- b. failing to timely apply the brakes of the vehicle in order to avoid the collision in question;
- c. failing to turn the vehicle in an effort to avoid the collision in question;
- d. failing to maintain a safe speed;
- e. failing to yield the right of way to Plaintiff;
- f. in driving the vehicle at a rate of speed which was greater than that which an ordinary person would have driven under the same or similar circumstances;
- g. failing to obey a traffic control device; and
- h. failing to maintain an assured clear distance.

8. Defendant SAMUEL MEDINA's negligence amounts to negligence *per se* because his negligence included violating laws, including the Texas Transportation Code as follows:

Violation of Tex. Trans. Code §545.351(a)(1)-(2) – An operator may not drive at a speed greater than is reasonable and prudent under the circumstances then existing and shall control the speed of the vehicle as necessary to avoid colliding with another person or vehicle that is on or entering the highway in compliance with law and the duty of each person to use due care.

Violation of Tex. Trans. Code § Sec. 545.060(a)(1)-(2). Driving on Roadway Laned for Traffic. (a) An operator on a roadway divided into two or more clearly marked lanes for traffic: (1) shall drive as nearly as practical entirely within a single lane; and (2) may not move from the lane unless that movement can be made safely.

9. Defendant PGT TRUCKING, INC. is liable under the theory of respondeat superior in that Defendant SAMUEL MEDINA was acting within the course and scope of his employment with Defendant PGT TRUCKING, INC. at the time the incident occurred. Also, Defendant PGT TRUCKING, INC. is directly negligent in many ways, including failing to act as a corporation exercising ordinarily prudent care would have done under the same or similar circumstances by choosing to violate rules, requirements, regulations, standards, and laws for the provision of safe driving and drivers on our roadways as follows:

- a. failing to hire qualified drivers;
- b. failing to entrust vehicles to qualified drivers; and
- c. failing to properly train, monitor, and supervise its drivers to be safe.

10. Defendants were grossly negligent to the extent that the law allows the imposition of exemplary/punitive damages. Defendants' conduct involved an extreme degree of risk, considering the probability and magnitude of the potential harm to Plaintiff. Defendants' gross negligence was a proximate cause of Plaintiff's injuries alleged herein. In addition, Defendant PGT TRUCKING, INC. is responsible for the gross negligence of Defendant SAMUEL MEDINA.

11. As a direct and proximate result of the collision and the negligent conduct of Defendants, Plaintiff suffered severe bodily injuries. The injuries have had a serious effect on the

Plaintiff's health and well-being. Some of the effects are permanent and will abide with the Plaintiff for a long time into the future, if not for h entire life. These specific injuries and their ill effects have, in turn, caused the Plaintiff's physical and mental condition to deteriorate generally and the specific injuries and ill effects alleged have caused and will, in all reasonable probability, cause the Plaintiff to suffer consequences and ill effects of this deterioration throughout her body for a long time into the future, if not for the balance of their natural life. As a result of the nature and consequences of her injuries, the Plaintiff suffered great physical and mental pain, suffering, and anguish, and in all reasonable probability, will continue to suffer in this manner for a long time into the future, if not for the balance of their natural life.

12. By reason of all of the above, Plaintiff has suffered losses and damages in a sum within the jurisdictional limits of this Court, and for which they now sue.

13. The conduct of Defendants has proximately caused damages far in excess of the minimum jurisdictional limits of this Court, including the following:

- a. Physical pain and mental suffering in the past;
- b. Physical pain and mental suffering in the future;
- c. Loss of earning capacity in the past;
- d. Loss of earning capacity in the future;
- e. Past medical care expenses;
- f. Future medical care expenses;
- g. Physical impairment in the past;
- h. Physical impairment in the future;
- i. Physical disfigurement in the past;
- j. Physical disfigurement in the future; and

k. Exemplary/punitive damages.

14. Plaintiff further requests both pre-judgment and post-judgment interest on all of her damages as allowed by law.

15. Pursuant to Rule 194, Texas Rules of Civil Procedure, Defendants are requested to disclose, within fifty (50) days of service hereof, the information and material described in each section of Rule 194.2 of the Texas Rules of Civil Procedure.

16. Pursuant to Texas Rule of Civil Procedure 193.7, Plaintiff hereby gives actual notice to Defendants that any and all documents produced by any Defendant in response to written discovery may be used against any and all Defendants producing the documents at any pre-trial proceeding and/or at the trial of this matter, without the necessity of authenticating the documents.

17. Plaintiff demands a jury trial. The required jury fee has been paid.

WHEREFORE, Plaintiff respectfully prays that the Defendants be cited to appear and answer herein, and that upon final trial that Plaintiff has and recover judgment against Defendants, jointly and severally, for the following:

- a. Physical pain and mental suffering in the past;
- b. Physical pain and mental suffering in the future;
- c. Loss of earning capacity in the past;
- d. Loss of earning capacity in the future;
- e. Past medical care expenses;
- f. Future medical care expenses;
- g. Physical impairment in the past;
- h. Physical impairment in the future;
- i. Physical disfigurement in the past;

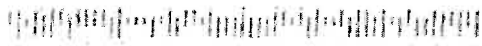
- j. Physical disfigurement in the future;
- k. Pre-judgment interest;
- l. Post-judgment interest;
- m. Costs of court; and
- n. Such other and further relief of any kind to which Plaintiff may show herself justly entitled.

Respectfully submitted,

LAW OFFICES OF THOMAS J. HENRY
521 Starr Street
Corpus Christi, Texas 78401
Tel. (361) 985-0600
Fax. (361) 985-0601

By: /s/James Martin
Thomas J. Henry
State Bar No. 09484210
James F. Martin
State Bar No. 13077700
*Email: jmartin@tjhlaw.com

*E-service to this address only



041611253153
ZIP 78701



\$005.47

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Velva L. Price
District Clerk
Travis County
D-1-GN-17-002435
Irene Silva
345th District Court

AFFIDAVIT OF SERVICE

State of Texas

County of Travis

Case Number: D-1-GN-17-002435

Plaintiff:
CANDICE MENDOZA



vs.

Defendant:
PGT TRUCKING INC AND SAMUEL MEDINA

For:
James F Martin
Law Office Of Thomas J Henry
521 Starr Street
Corpus Christi, TX 78401

Received by Allen Civil Process on the 12th day of June, 2017 at 10:58 am to be served on PGT Trucking Inc by delivering to: TEXAS SECRETARY OF STATE, 1019 Brazos Street, Austin, Bexar County, TX 78701.

I, Mike Techow, being duly sworn, depose and say that on the 12th day of June, 2017 at 3:20 pm, I:

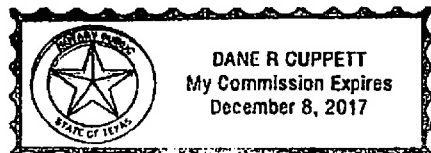
served a **GOVERNMENT AGENCY** by delivering a true copy of the 2 Copies of Citation and Plaintiffs Original Petition and Request For Disclosure and Lawyer Referral Service Notice and \$55.00 Check For Secretary Of State with the date and hour of service endorsed thereon by me, to: Venita Okpegbue, Office of the Secretary of State of Texas as Authorized Agent for PGT Trucking Inc by delivering to: TEXAS SECRETARY OF STATE, and informed said person of the contents therein, in compliance with State Statutes.

Description of Person Served: Age: 50, Sex: F, Race/Skin Color: African Americ, Height: 5'7, Weight: 250, Hair: Black, Glasses: Y

I certify that I am over the age of 18, of sound mind, have no interest in the above action, and am a Certified Process Server, in good standing, in the judicial circuit in which the process was delivered. The facts stated in this affidavit are within my personal knowledge and are true and correct.

Subscribed and Sworn to before me on the 12th day of June, 2017 by the affiant who is personally known to me.


NOTARY PUBLIC




Mike Techow
SCH-1215, Exp. 7/31/17

Allen Civil Process
P.O. Box 181293
Corpus Christi, TX 78480
(800) 831-8219

Our Job Serial Number: ALN-2017002985
Ref: Candice Mendoza

C I T A T I O N
T H E S T A T E O F T E X A S
C A U S E N O . D - 1 - G N - 1 7 - 0 0 2 4 3 5

CANDICE MENDOZA

vs.

PGT TRUCKING, INC. AND SAMUEL MEDINA

, Plaintiff

, Defendant

TO: PGT TRUCKING, INC.
1 PGT WAY
MONACA, PENNSYLVANIA 15061
BY SERVING THROUGH THE SECRETARY OF STATE,
ROLANDO B. PABLOS, OR HIS AGENT/SUCCESSOR
1019 BRAZOS STREET,
AUSTIN, TEXAS 78701

Defendant, in the above styled and numbered cause:

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ISSUED AND GIVEN UNDER MY HAND AND SEAL of said Court at office, June 07, 2017.

REQUESTED BY:
THOMAS J HENRY
521 STARR ST
CORPUS CHRISTI, TX 78401-2344
BUSINESS PHONE: (361)985-0600 ext 118
FAX: (361)985-0601



Valva L. Price
Valva L. Price
Travis County District Clerk
Travis County Courthouse
1000 Guadalupe, P.O. Box 679003 (78767)
Austin, TX 78701

PREPARED BY: JIMENEZ CHLOE

R E T U R N

Came to hand on the _____ day of _____, _____ at _____ o'clock _____ M., and executed at _____ within the County of _____ on the _____ day of _____, _____, at _____ o'clock _____ M., by delivering to the within named _____, each in person, a true copy of this citation together with the PLAINTIFF'S ORIGINAL PETITION WITH REQUEST FOR DISCLOSURE accompanying pleading, having first attached such copy of such citation to such copy of pleading and endorsed on such copy of citation the date of delivery.

Service Fee: \$ _____

Sworn to and subscribed before me this the _____ day of _____, _____.

Notary Public, THE STATE OF TEXAS

D-1-GN-17-002435

Sheriff / Constable / Authorized Person

By: _____

Printed Name of Server

County, Texas

SERVICE FEE NOT PAID

P12 - 000001215

☐ Original

☐ Service Copy